

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

DAVID HENAUTL, :  
Plaintiff :  
: :  
v. : File No. 1:09-CV-21  
: :  
ROBERT HOFMANN, Commissioner :  
Defendant :  
:

**ORDER**

The Magistrate Judge's Report and Recommendation was filed June 18, 2009. (Paper 8.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The defendant's unopposed motion to dismiss (Paper 6) is GRANTED. This case is DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17<sup>th</sup> day of August, 2009.

/s/ J. Garvan Murtha

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Honorable J. Garvan Murtha  
Senior United States District Judge